

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
EASTERN DIVISION**

Civil Action No. 4:11-CV-00094-BO

BRUCE BANNISTER; MAX DUTTON;  
and MARION TOWLES;

Towles,

vs.

WAL-MART STORES EAST, L.P.,

Defendant.

**APPENDIX TO DEFENDANT'S  
MOTION FOR SUMMARY  
JUDGMENT REGARDING MAX  
DUTTON'S CLAIMS**

**A-1**

**Max Dutton Deposition Transcript Exhibit 3**

Letter from M. Dutton to E. Litchfield and T. Battle (11/23/2009)

Nov. 23, 2009

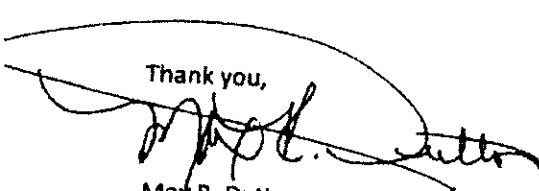
Dear Mr. Eric Litchfield and Ms. Tracey Battle,

This letter is to inform you of my intent to retire February 1, 2010. I was recruited and began my career with Wal-Mart in February 1993 and have since experienced tremendous professional growth and career satisfaction. My total career experience has expanded thirty-nine (39) years, fourteen (14) years with IGA, and eight (8) years with Ben Franklin as Owner/Operator. But these last seventeen (17) years with Wal-Mart have taught me the true essence of accomplishment. The challenges I have faced working for a great and powerful company as well as the skills that I have been able to develop and cultivate have and will continue to guide my future and lead my life in a positive, fulfilling manner.

I do and will continue to have the utmost respect for all our Wal-Mart corporate leaders who have been the driving force to make Wal-Mart the leader in retail it is today. Just to be able to say I have had the opportunity to meet with Lee Scott, Mike Duke, Eduardo Castro-Wright and all the divisional vice presidents at a round table meeting to pursue greater career opportunities under the direction of my regional manager Lance De La Rosa was a great honor. At the time, family obligations prevented me from moving forward but have always had a love for Store #2000 and its associates. I am happy and content to end my career at the store that has supported me throughout my Wal-Mart career. I will continue to remain a stockholder in Wal-Mart because of the company's strength and commitment to its associates. Wal-Mart has become and always will be a part of my family.

Please accept this letter of retirement effective February 1, 2010 and at the discretion of my market team, I will make the formal announcement when directed to do so. Until such time, this announcement will remain confidential. I look forward to completing my 17<sup>th</sup> year with Wal-Mart in February and will provide assistance if necessary to make the transition of the new store manager smooth and effective for the associates of Store #2000. Even though I will no longer formally be with Wal-Mart, I will be happy to assist in any capacity with coastal merchandizing, etc. for the new store manager or any other Wal-Mart store.

Thank you,

  
Max R. Dutton  
Wal-Mart Store Manager  
Store #2000  
Kitty Hawk, NC

